# Phasing in the Use of Nonlead Ammunition

Rancho Cucamonga, CA August 19, 2014



# Why we're here...

- 1. CDFW is seeking your input on how to phase in the use of nonlead ammunition for the take of all wildlife by July 2019.
- 2. Specifically, we're looking for suggestions that will result in the least disruption to hunters and hunting related businesses in California.



# Requirements of the law

- 1. Establish regulations by July 2015 that phase-in requirements
- 2. Fully implement by July 2019
- 3. Implement as soon as practicable
- 4. Maintain existing certification process
- 5. Maintain existing Condor zone restrictions
- 6. Exemption for potential ATF ban
- 7. Establish coupon (incentive) program if funding becomes available



# DFW starting point proposal

#### 2015 - Nonlead would be required for:

- Wildlife Areas and Ecological Reserves
- Bighorn sheep

#### Reasoning:

- WA and ER = 925,000 ac, high densities of hunters, other ecological values
- Sheep hunting = small group of hunters



# DFW starting point proposal

#### 2016 - Nonlead would be required for:

- Larger (most) game birds, including turkeys (waterfowl size shot)
- Small game mammals (by shotgun)
- Non-game, depredation and furbearers (by shotgun)

#### Reasoning:

 Nonlead shot (waterfowl size) readily available for larger game birds, small mammals, nongame and furbearers



# DFW starting point proposal

2019 - Nonlead would be required for the take of all wildlife:

- All big game
- All remaining game birds
- Small game mammals (by rifle/handgun)
- Non-game, depredation and furbearers (by rifle/handgun)
- Muzzle loaders

#### Reasoning:

- Uncertainty about field testing equipment (LED)
- Uncertainty about availability/market response



### Outreach to date:

- 1. January 11 International Sportsmen's Expo
- 2. January 15 WRC Meeting, Van Nuys
- 3. March 1 Natl. Wild Turkey Fed., Vacaville
- 4. March 18 Director's Hunting Advisory Committee, Sacramento
- 5. March 28-29 Fred Hall Show, Del Mar
- 6. April 15 Public Workshop, Ventura
- 7. June 3 Public Workshop, Eureka
- 8. July 19 DU Meeting, Corning
- 9. July 19 Public Workshop, Redding
- 10. July 28 WRC Meeting, Sacramento
- 11. July 29 Public Workshop, Rancho Cordova
- 12. August 5 Public Workshop, San Diego
- 13. August 12 Public Workshop, Fresno



# Scheduled meetings:

- 1. August 19 Public Workshop, Rancho Cucamonga
- 2. Sept. 17 Regulation recommendation at WRC meeting in Sacramento
- Commission formal rulemaking process:
  December 3 Notice hearing
  February 2015 Discussion hearing
  - April 2015 Adoption hearing
- 4. Effective July 1, 2015



## Comments received to date

#### General transition to nonlead:

- 1. Nonlead shooting clinics needed
- 2. Would nonlead ammunition be required for handguns used for personal protection while hunting?
- 3. Policy needs to be developed for enforcement
- 4. Enforcement staff time will be diverted from more important work
- 5. DFW officers need non-destructive testing methods for projectiles



# Comments received (cont.)

- 6. Nonlead ammunition doesn't perform as well as lead
- 7. Nonlead will increase wounding and waste of game animals
- 8. Increased risk of fire with nonlead ammunition



## Comments received to date

#### Potential economic effects:

- 1. What are the fiscal impacts of reduced license and tag sales?
- 2. Will Pittman-Robertson funding decline?
- 3. Will there be a lead buy-back program?
- 4. Cost of nonlead ammunition is prohibitive
- 5. Increased costs to train enforcement staff
- 6. New choke tubes needed for nonlead turkey and upland game loads
- 7. Takings issue with not being able to use up lead ammo stocks?



## Comments received to date

#### Availability concerns:

- 1. Help hunters learn about availability of nonlead ammo (not just on web)
- 2. ATF armor piercing ban will stifle development and production of nonlead ammunition
- 3. Pending legislation (SB 53) to ban internet sales of ammunition will make it more difficult to obtain nonlead ammunition
- 4. Need to distinguish between product and market availability
- 5. What is the true retail availability of nonlead ammunition?



# Comments received (cont.)

- 6. Nonlead for rimfire cartridges generally not available
- 7. Are nonlead shotgun slugs available for deer on Wildlife Areas?
- 8. Is there nonlead for .177 caliber?
- 9. Are there lead-free alloys for people who cast their own bullets?
- 10. How will hand loads be certified?
- 11. What happens if nonlead ammunition isn't widely available in July 2019?



## Comments received to date

#### Specific comments on phasing:

- Postpone implementation until manufacturers can develop available and affordable substitutes
- 2. A longer phase-in period would be more fair
- 3. Defer nonlead requirement on public lands to 2016 or 2019
- 4. Delay the ban for licensed game bird clubs



# Comments received (cont.)

- 5. Allow an exception for older firearms
- 6. Allow muzzleloaders to continue to use lead
- 7. Require full implementation in 2015
- 8. Complete phase-in of nonlead by 2016
- 9. Build in as much flexibility as possible
- 10. Post list of comments on DFW web page



### Written and emailed comments

wildlifemgmt@wildlife.ca.gov

or

Department of Fish and Wildlife

Attn: Non-lead implementation

1812 9th Street

Sacramento, CA 95811



# Questions or comments?



(i) The commission shall promulgate regulations by July 1, 2015, that phase in the requirements of this section. The requirements of this section shall be fully implemented statewide by no later than July 1, 2019. If any of the requirements of this section can be implemented practicably, in whole or in part, in advance of July 1, 2019, the commission shall implement those requirements. The commission shall not reduce or eliminate any existing regulatory restrictions on the use of lead ammunition in California condor range unless or until the additional requirements for use of nonlead ammunition as required by this section are implemented.

(j) (1) The prohibition in subdivision (b) shall be temporarily suspended for a specific hunting season and caliber upon a finding by the director that nonlead ammunition of a specific caliber is not commercially available from any manufacturer because of federal prohibitions relating to armor-piercing ammunition pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code.



(d) (1) To the extent that funding is available, the commission shall establish a process that will provide hunters with nonlead ammunition at no or reduced charge. The process shall provide that the offer for nonlead ammunition at no or reduced charge may be redeemed through a coupon sent to a permitholder with the appropriate permit tag. If available funding is not sufficient to provide nonlead ammunition at no charge, the commission shall set the value of the reduced charge coupon at the maximum value possible through available funding, up to the average cost within this state for nonlead ammunition, as determined by the commissio

(2) The nonlead ammunition coupon program described in paragraph (1) shall be implemented only to the extent that sufficient funding, as determined by the Department of Finance, is obtained from local, federal, public, or other nonstate sources in order to implement the program.

